

Board of Supervisor's Office

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RESOLUTION # 79-96

Resolution of the Navajo County Board of Supervisors Adopting an Amendment to the Navajo County Zoning Ordinance.

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## NAVAJO COUNTY BOARD OF SUPERVISORS

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**EDWARD J. KOURY**  
County Manager

**JUDY JONES**  
Clerk of the Board

## NAVAJO COUNTY BOARD OF SUPERVISORS

### RESOLUTION NO. 79-96

### A RESOLUTION OF THE NAVAJO COUNTY BOARD OF SUPERVISORS ADOPTING AN AMENDMENT TO THE NAVAJO COUNTY ZONING ORDINANCE

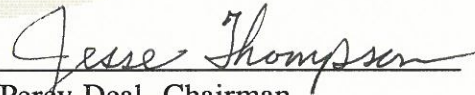
The Navajo County Board of Supervisors does resolve as follows:

**SECTION 1.** The Board of Supervisors does hereby declare and determine the following recommended amendment was duly given and published, that a Public Hearing was duly held on the 12th day of November, 1996, and that the public necessity, convenience and general welfare and good zoning practice require that the following amendment and change be made.

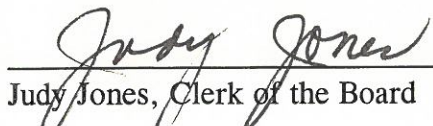
**SECTION 2.** The Board of Supervisors hereby adopts the change and amendment to the text of ARTICLE 27, entitled AMINISTRATION AND ENFORCEMENT, of the Navajo County Zoning Ordinance to read as follows:

SEE ATTACHED

APPROVED AND ADOPTED this 12<sup>th</sup> day of November, 1996

  
Percy Deal, Chairman  
Navajo County Board of Supervisors

ATTEST:

  
Judy Jones, Clerk of the Board

NAVAJO COUNTY, JAY TURLEY - COUNTY RECORDER BY: BOARD OF SUPERVISORS  
DATE: 03/05/1997 TIME: 08:00 PAGE #: 0002 OF 0021 FEE #: 1997 3443

ARTICLE 27 - ADMINISTRATION AND ENFORCEMENT.

ARTICLE 27 - ADMINISTRATION AND ENFORCEMENT.

Section 2701 - Zoning Inspection and Enforcement.

1) Duties:

- A) Enforcement: It shall be the duty of the Director, Zoning Administrator ("ZA"), Deputy Zoning Inspectors, the Navajo County Sheriff and all Navajo County officials otherwise charged with the enforcement of the law to enforce all the provisions of this Ordinance.
- B) Applications and Permits: The ZA shall receive applications required by this Ordinance and issue permits. The ZA or Deputy Zoning Inspectors (jointly referred to as "Zoning Enforcement Officer") shall examine premises where permits were issued and shall make necessary inspections to ensure compliance with this Ordinance..
- C) Violations: A Zoning Enforcement Officer shall, when requested by the Board of Supervisors, or when the interests of Navajo County so require, investigate any matter referred to in this Ordinance and make a written report. To enforce compliance with this Ordinance, Zoning Enforcement Officer shall issue Notices, Citations or Recall Notices as may be necessary.

- 2) Inspections: A Zoning Enforcement Officer shall review and investigate all reported violations of this Ordinance. Upon receiving a report of or observing a possible Ordinance violation, a Zoning Enforcement Officer shall inspect the site of the alleged violation. During the inspection, the Zoning Enforcement Officer shall take careful and comprehensive notes about the existing condition and uses of the subject property, location, property owner and address, and specific section of the Ordinance corresponding to the alleged violation.

3) Rules: The Director may adopt rules and policies consistent with this Ordinance for carrying into effect the Department's responsibilities. All adopted rules and policies shall be approved by the Navajo County Zoning Commission.

4) Notices and Citations:

A) Should a Zoning Enforcement Officer determine that a violation is occurring on the subject property, the Zoning Enforcement Officer shall serve a Notice to the property owner and alleged violator of the violation. The notice shall include:

- A street address or legal description sufficient for identification of the subject property;
- The section of the Ordinance violated;
- A brief and concise description of the violation;
- Information on possible penalties if the violation is not corrected;
- Steps necessary or actions required to bring the subject property into compliance with the Ordinance;
- A reasonable time frame in which all necessary actions should be completed to correct the violation; and
- A warning that non-compliance with the Notice will result in the issuance of a Citation

A Zoning Enforcement Officer may grant an extension not to exceed thirty (30) days if convinced an attempt is being made to correct the violation.

B) Citation: A Zoning Enforcement Officer shall reinspect the subject property after the deadline stated in the Notice. If the violation still exists, a Zoning Enforcement Officer shall issue a Citation to the property owner and alleged violator for each specific section of the Ordinance which has been violated. Service of the Citation shall be completed at least fourteen (14) days before the initial hearing on the alleged violation or the party issued the Citation may request in writing a new initial hearing date be set within thirty (30) days from the date of the request. The Citation shall include:



- A street address or legal description sufficient for identification of the subject property;
- The section of the Ordinance violated;
- A brief and concise description of the violation; and
- Notification of the specific time and date for the initial hearing where the alleged violator must appear before the Hearing Officer to submit a plea.

C) Those Entitled to Service of Notices and Citations: Notices shall be served upon the recorded owner of the property and the alleged violator if different from the property owner. Citations shall be served upon the recorded owner of the property, the alleged violator, and each of the following, if known by the Zoning Enforcement Officer or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or land on which it is located. Failure of the Zoning Enforcement Officer to serve Notices or Citations on any party shall not invalidate any proceedings as to any person duly served or relieve any such person from any duty or obligation imposed by the provisions of this Article or this Ordinance.

D) Method of Service: Service of Notices and Citations shall be made by personal service, any form of mail requiring a signed and returned receipt, or in the same manner prescribed by the Arizona Rules of Civil Procedure. The failure of any person or entity to receive such notification shall not affect the validity of any proceedings taken under this Article.

5) Penalties:

A) Civil: It shall be unlawful, and considered a public nuisance per se, to make use of any lot, parcel or piece of property in conflict with this Ordinance or to erect, construct, reconstruct,

alter or use a building or any other structure which does not conform to the criteria stated in this Ordinance. Individuals or entities determined by the Hearing Officer or an appropriate Court to be violating any provision of this Ordinance shall be responsible for a civil violation. The penalty for the civil violation shall not exceed the monetary fine for a class 2 misdemeanor (\$750.00) per day for each violation, pursuant to A.R.S. § 11-808. Each day in violation constitutes a separate violation.

- B) Administrative: The County may withhold, and may request other governmental entities to withhold, all building, zoning and other permits for properties on which a use of the property, building or any other structure exists which does not meet the standards or requirements of this Ordinance.
- C) Criminal: Violation of any standard or requirement of this Ordinance is a class 2 misdemeanor. At the discretion of the Navajo County Attorney, criminal charges may be filed instead of civil citations. Furthermore, if any person or enterprise fails or refuses to obey the judgment of the Planning and Zoning Hearing Officer, criminal charges for failing to Obey an Order may be filed.
- 6) Hearing Officer: The Board of Supervisors shall appoint a Planning and Zoning Hearing Officer ("Hearing Officer") to hear and determine violations of this Ordinance. The Hearing Officer shall not be a full-time employee of Navajo County but shall have either the legal or technical background necessary to understand the issues presented. The Hearing Officer shall serve at the discretion of the Board of Supervisors.
- 7. Appeals: A review of the Hearing Officer's decisions shall be available to any party to the hearing by filing an appeal to the Board of Supervisors. Any party may appeal the Board of Supervisor's decision to the Superior Court.
- 8) Records: The Director or ZA shall keep careful and comprehensive records of applications, or permits issued, of inspections made, of reports rendered, and of Notices,

Citations and Recall Notices issued. The Department shall keep on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection at reasonable hours but shall not be removed from the Planning Department.

- 9) Monthly Reports: The ZA shall make a report to the Director each month, or more often if requested. The report shall include a statement of the permits, Notices, Citations and Recall Notices issued.
- 10) Cooperation of Other Officials: The Director and ZA may request and shall receive, so far as may be necessary in the discharge of their duties, the assistance and cooperation of all Navajo County departments, agencies, officials and public employees vested with the duty or authority to issue permits, licenses, or to enforce the regulations of this Ordinance.
- 11) Void Permits and Licenses: Permits or licenses for uses, buildings, or purposes which are in conflict with the regulations of this Ordinance shall be null and void.

Section 2702 - Hearing Officer Procedure.

- 1) Commencement: Every action or proceeding brought before the Hearing Officer for an Ordinance violation shall be commenced by a Zoning Enforcement Officer filing a Citation. No Notice or Citation shall be deemed insufficient for failure to contain a definite statement of the essential facts constituting the specific violation if the Notice or Citation contains either a written description of the violation or reference to the applicable section of the Ordinance pertaining to the violation.
- 2) Initial Hearing:
  - A) First Appearance: Pursuant to Section 2701(4) (C) of this Ordinance, the alleged violator or his counsel shall appear at the hearing office by the date and time specified in the Citation for the initial hearing to enter a plea of responsible or not responsible.

- B) Admission of Responsibility: At the Initial Hearing the alleged violator may admit responsibility by appearing in person or by mailing to the Hearing Officer a short statement signed by the alleged violator or his counsel admitting the allegation in the Citation. Once a formal admission of responsibility is received by the Hearing Officer, the Hearing Officer shall set a time and place to determine the penalty for the violation ("Penalty Hearing"). At the Penalty Hearing, both the alleged violator and Zoning Enforcement Officer shall be given an opportunity to state their position on the amount of the penalty the Hearing Officer should impose. The alleged violator shall correct the Ordinance violation within thirty (30) days from the Penalty Hearing date. Only in extraordinary circumstances may the Hearing Office grant an extension.
- C) Denial of Responsibility: A denial of responsibility may be made by appearing in person or by mailing to the Hearing Officer a denial signed by the alleged violator or his counsel. The Hearing Officer shall schedule the matter for a hearing ("Violation Hearing") and notify the alleged violator or his counsel and the Zoning Enforcement Officer of the date, time and place for the Violation Hearing once he receives a formal denial. Upon appearance, it shall be the responsibility of the alleged violator or his counsel to notify the Hearing Officer of an incorrect address or any different address than what is stated on the Citation.
- D) Failure To Appear: If the alleged violator fails to appear for the Initial Hearing by the date and time specified in the Citation, the allegations filed against the alleged violator shall be deemed admitted, and the Hearing Officer shall enter default judgment for the County and schedule a Penalty Hearing. At the penalty hearing, the Hearing Officer shall impose a civil penalty subject to Section 2702(4) of this Ordinance.



3) Right to Counsel:

- A) Alleged Violator: After submittal of a formal denial, the Hearing Officer shall promptly notify the alleged violator of his right to be represented by counsel. The alleged violator must notify the Hearing Officer in writing at least ten (10) days before the Violation Hearing date of his choice to be represented by counsel. The Hearing Officer may move to continue the Violation Hearing if the alleged violator does not make notification of his decision to secure counsel within the permitted time frame.
- B) County: The County need not be represented by counsel at the Violation Hearing. Should the County choose to secure counsel, the County must, in writing, notify the Hearing Officer and the alleged violator at least ten (10) days before the Violation Hearing of the County's decision to be represented by counsel.

4) Violation Hearing:

- A) Witnesses and Evidence: At least ten (10) days prior to the Violation Hearing, both parties shall produce for inspection by the opposing party a list of witnesses and prepared exhibits. The prepared exhibits are to be filed at the Hearing Office. Failure to comply with this provision may result, at the Hearing Officer's discretion, in the granting of a continuance to permit inspection or denial of the admission of the evidence.
- B) Order of Procedure: The order of the Violation Hearing shall be as follows:
  - 1) The Hearing Officer shall call the case and briefly describe the procedures to be followed.
  - 2) County's statement.
  - 3) Testimony of the County's witnesses.
  - 4) Respondent's statement.
  - 5) Testimony of the respondent's witnesses.
  - 6) Statements and testimony of other attendees at the discretion of the Hearing Officer.

- 7) Respondent's rebuttal.
  - 8) County rebuttal.
  - 9) Respondent's closing statement.
  - 10) County's closing statement.
  - 11) Ruling by the Hearing Officer. At the conclusion of the Violation Hearing, the Hearing Officer shall determine whether an Ordinance violation exists. If a violation is found to exist, the Hearing Officer shall schedule a Penalty Hearing to impose civil penalties in accordance with Section 2702(4) of this Ordinance.
- C) Written Ruling: The Hearing Officer shall issue a written ruling within ten (10) days of the Violation Hearing. The written ruling shall include the findings, conclusion and opinion of the Hearing Officer.
- D) Cross Examination: Cross examination of witnesses shall be strictly limited to subjects or evidence elicited during direct testimony.
- E) Continuance: The Hearing Officer, at his discretion, may continue a Violation Hearing up to sixty (60) days if it appears that the interests of justice so require. The Hearing Officer shall not continue a Violation Hearing without first giving written notice to both parties of the new Violation Hearing date.
- F) Questions by Hearing Officer: The Hearing Officer may question witnesses, parties or representatives of either party.
- G) Rules of Evidence: The Arizona Rules of Evidence shall not apply before a Hearing Officer. The Hearing Officer may admit any evidence offered subject to a determination by the Hearing Officer that the offered evidence is both relevant and reliable.
- H) Recording of Violation Hearing: The Violation Hearing shall be recorded on audio tape. The audio tape shall be kept on record by the Hearing Office for a period of one (1) year.

In addition, a record of the proceedings may be made by a court reporter if requested and paid for by the alleged violator.

I) Failure to Appear:

- 1) Alleged Violator: A Violation Hearing shall be conducted in abstencia if the alleged violator fails to appear.
- 2) County: If no witness for the County, excluding the alleged violator, appears at the set time for the Violation Hearing, the Hearing Officer shall dismiss the Citation unless the Hearing Officer, for good cause shown, continues the Violation Hearing to another date.

J) Vacating Findings: At any time, the Hearing Officer may set aside a finding entered upon a failure to appear if the Hearing Officer deems that the alleged violator was not served a Citation, or for any other reason necessary to prevent an injustice.

K) Summons: The Hearing Officer shall have the power to issue summons to compel the attendance of witnesses at any hearing.

L) Oaths: The Hearing Officer shall administer oaths to all witnesses.

5) Finding of Responsible/Civil Penalties:

- A) If the Hearing Officer finds the alleged violator responsible for the Ordinance violation, the Hearing Officer shall enter a finding for the County and may impose a civil penalty not to exceed the maximum fine for a Class 2 misdemeanor (\$750.00) per violation, per day. The Hearing Officer should follow the guidelines set forth below when imposing the civil penalty.
- B) The Hearing Officer has the option of dismissing or suspending the initial civil penalty should extenuating circumstances exist.

- C) The Hearing Officer shall outline in the judgment a non-compliance and daily civil penalty schedule to accrue should the violation not be abated by the compliance date specified by the Hearing Officer. The Hearing Officer should follow the guidelines set forth below when imposing the non-compliance and daily civil penalty.
- D) The Hearing Officer may attach a penalty for "recurrence" to a parcel for a maximum of two (2) years from the Violation Hearing date. A recurrence exists if a violation of the same section of the Ordinance addressed in the Violation Hearing proceedings occurs within a time specified in the judgment. A Zoning Enforcement Officer, after observing a recurrence, shall issue a Recall Notice. The Recall Notice shall set forth the earliest possible date for the Respondent to appear before the Hearing Officer.
- E) The following guidelines shall be utilized when assessing civil penalties:

MINIMUM PENALTY	Agricultural/ Residential	Commercial/ Industrial
Initial	\$100.00	\$300.00
Non-compliance	\$200.00	\$600.00
Daily <sup>1</sup>	\$20.00	\$30.00
Recurrence	\$300.00	\$500.00
MAXIMUM Cumulative Amount of Daily Penalty	\$1,500.00	\$3,000.00

NOTE - A maximum penalty of \$750.00 per day per violation is allowed in accordance with A.R.S. §11-808.

- F) Should the cumulative daily civil penalty balance exceed \$1,500.00 for agriculture/residential use or

\$3,000.00 for commercial/industrial use, the Hearing Officer shall forward the matter to the County Attorney's Office for further legal action.

- G) The alleged violator, if found responsible for the Ordinance violation and penalized with a civil penalty, shall not be relieved from the responsibility of correcting any prohibited condition. Unless appealed to the Board of Supervisors within the seven (7) day appeal period, the violator shall correct the Ordinance violation within thirty (30) days from the date of the Penalty Hearing

6) Appeal To The Board of Supervisors:

- A) Any party may appeal to the Board of Supervisors the final finding of the Hearing Officer. A written notice of appeal shall be filed with the Hearing Officer within seven (7) days, including weekends, after the Hearing Officer issues his written finding.
- B) The notice of appeal shall identify the finding appealed from. It shall be signed by the appellant or the appellant's counsel, and shall contain the names, addresses, and telephone numbers of all parties and their counsels. When a party appeals, the Hearing Officer shall send a copy of the notice of appeal to the other party or his counsel.
- C) Appeals shall be limited to the record of the proceeding before the Hearing Officer, and no new evidence may be introduced. The record of the proceedings shall include all materials in the Hearing Officer's file, all evidence admitted at the hearing, and a transcript of the official record as per Section 2702(3)(H) of this Ordinance. The cost of the transcript shall be assessed against the appealing party.
- D) Upon receiving the notice of appeal, the Hearing Officer shall prepare and transmit the record and schedule the appeal before the Board of Supervisors within thirty (30) days.



- E) The parties may stipulate that the appeal may be heard on less than a complete record or upon stipulated facts. The designation of the stipulated record shall be in writing, filed with the Hearing Officer within fifteen (15) days after the notice of appeal.
- F) Upon sending the record to the Board of Supervisors, the Hearing Officer shall notify both parties by letter that they have five (5) days from the date of the letter to submit a memorandum stating the parties' position to be submitted at the Board of Supervisors' hearing. The memorandum shall be submitted to the Clerk of the Board and shall not exceed five (5) pages, double spaced, in length.
- G) A notice of the appeal before the Board of Supervisors shall be posted at least twenty-four (24) hours before the hearing. The Hearing Officer shall mail a notice of the hearing to both parties not less than five (5) days before the meeting.
- H) The Chair or acting Chair of the Board of Supervisors shall preside at the appeal and shall decide all questions concerning procedure. Final decisions on the merits of the case shall be made upon motion and majority vote of the quorum.
- I) At the Board of Supervisors' hearing, arguments on appeal shall be limited to five (5) minutes for each party unless extended by the Chair or acting Chair of the Board of Supervisors.
- J) After consideration of the merits of an appeal, and finding of an abuse of discretion by the Hearing Officer, the Board of Supervisors may increase, decrease, or modify any civil penalty imposed by the Hearing Officer and may:
  - 1) Affirm the action of the Hearing Officer;
  - 2) Affirm in part and reverse in part and, if necessary, remand for further proceedings; or
  - 3) Reverse the action of the Hearing Officer and, if necessary, remand for further proceedings.

7) Recall:

- A) Recall of a case may occur when the violator has not met the conditions and/or compliance time frame set out in the Hearing Officer's judgment. The violator's case remains open until complete compliance has been reached as outlined in the Hearing Officer's written ruling.
- B) If the penalty ruling includes a penalty for recurrence, a Recall Notice may be served only if the term of the recurrence penalty has not expired.
- C) Service of the Recall Notice shall be completed in person, any form of mail requiring a signed and returned receipt, or alternative methods of service as prescribed in the Arizona Rules of Civil Procedure not less than fourteen (14) days before the Recall Hearing date.

Section 2703 - Building Permits.

- 1) When Required: It shall be unlawful to construct, alter, repair or improve, remove or demolish, or to commence the construction, alteration, removal or demolition of a building or structure without first filing with the Chief Zoning Inspector an application in writing and obtaining a formal permit, except that such permit shall not be required for repairs or improvements of a value of less than five hundred dollars (\$500.00).

ARTICLE 28 - BOARD OF ADJUSTMENT.

Section 2801 - Creation and Membership.

A Board of Adjustment shall be created in each of the supervisorial districts of Navajo County. Each Board of Adjustment shall be composed of three (3) members, each of whom shall be a resident and taxpayer of the unincorporated area of the supervisorial district from which he is appointed. The appointments shall be for staggered terms of four (4) years each, except that the first members of such boards shall be appointed for the following terms: one (1) for two (2) years; one (1) for three (3) years; and one (1) for four (4) years. Members of ~~such~~ each board shall be appointed by the Board of Supervisors. The Board of Supervisors shall ~~also~~ have the authority to remove any member for cause and after public hearing. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. The jurisdiction of each Board of Adjustment shall be limited to the supervisorial district from which the members ~~thereof~~ are appointed.

Section 2802 - Powers and Duties.

The Board of Adjustment shall have only the powers and duties prescribed by this Ordinance, which are the following:

- 1) Allow upon the application a variance in the strict application of any of the regulations of this Ordinance where, by reason of any exceptional situation, surroundings or conditions of a specific property or by reason of exceptional narrowness, shallowness or shape of a specific lot of record, or by reason of exceptional topographical conditions the strict application of any regulation of this Ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property and amount to a practical confiscation of property as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantially impairing the purpose of this Ordinance. In granting any variance, appropriate conditions in conformity with the purpose of this Ordinance shall be prescribed.

Under no circumstances shall there be granted a variance to allow a use of property not permitted by the regulations for the zoning district in which such property is located.

- 2) Grant upon application use permits required by this Ordinance provided that such permit shall not be granted unless the Board of Adjustment having jurisdiction finds that the use covered by the permit and the manner of conducting the same and any building or structure involved, will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare, and that the same will comply with the requirements prescribed therefore by this Ordinance. In granting such permit, any additional requirements deemed necessary to promote the purpose of this Ordinance shall be prescribed, including but not limited to appropriate provisions for acquiring right-of-way for street widening purposes if it appears that granting the permit would have the effect of increasing traffic congestion. The amount of land required for such acquisition, however, shall not extend beyond the setback lines set for in Section 2509.

#### Section 2803 - Meeting and Rules.

Meetings of the Board of Adjustment shall be held at the call of the Chair when deemed necessary for the transaction of business. All such meetings shall be open to the public. The Chairman, or in his absence the acting Chair, may administer oaths and compel the attendance of witnesses. the Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such facts, and also shall keep records of its hearings and other official actions. A copy of every rule or regulation, every variation and every order, required decision, or determination of the Board of Adjustment shall be filed in the Office of the Zoning Administrator and shall adopt its own rules of procedure and elect its own officers.

#### Section 2804 - Application for Variance or Use Permit.

- 1) Application for any variance to the regulations of this Ordinance or for any use permit shall be made to the Board of Adjustment.

Such applications shall be made on forms prescribed by the Board of Adjustment, shall be filed with the Zoning Administrator, and shall be accompanied by:

- a) Accurate plot plans and description of the property involved, description of the proposed use, preliminary floor plans and elevations of all proposed buildings, and an estimate of the valuation of the proposed construction.
- b) Evidence satisfactory to the Board of Adjustment of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within six (6) months after allowing any variance or granting any use permit.
- c) Reasons for requesting the variance or use permit.

#### Section 2805 - Public Hearings.

Upon receipt in proper form of applications for any variance to the regulations in this Ordinance or for any use permit, the Board of Adjustment having jurisdiction shall hold a public hearing on the request. Public notice is satisfied by adequately posting the application and the Board of Adjustments meeting time and place in the area of concern at least ten (10) days prior to the public hearing. The Board of Adjustment shall render a decision within fourteen days after concluding the hearing(s) on the application.

#### Section 2806 - Appeal of a Decision made by the Board of Adjustment.

A person aggrieved by a decision of a Board of Adjustment may appeal to the Superior Court within thirty (30) days of the Board of Adjustment's decision. The matter shall be heard in the same manner as appeals from courts of Justices of the Peace.

#### Section 2807 - Limitations.

Any variance or use permit granted under the terms of this Ordinance shall expire by limitation if substantial construction, in accordance with the plans for which such variance or use permit was granted, has not been completed within one (1) year from the date of granting said variance or use permit, or, if judicial



proceedings to review the Board of Adjustment's decision shall be instituted, one (1) year from the date of entry of the final order in such proceedings, including all appeals.

Section 2808 - Fees.

There shall be a fee of ninety-three dollars (\$93.75.00) charged for filing an application for any variance to the regulations of this Ordinance or for any use permit with no provision for refund.

Section 2809 - Interpretations.

The Navajo County Zoning Commission shall interpret the terms of this Ordinance when the meaning of any word, phrase or regulation is in doubt, when there is a dispute between a member of the public and the Chief Zoning Inspector, or when the location of a zoning district boundary is in doubt.

Section 207 - Interpretation.

In interpreting and applying the regulations of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the regulations of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul easements, covenants, or other agreements between parties, except that if this Ordinance imposes a greater restriction, this Ordinance shall regulate.

- 1) The Planning and Zoning Commission shall have only the powers and duties prescribed by this Ordinance, which are more particularly the following:
  - a. Interpret upon appeal the terms of this Ordinance when the meaning of any word, phrase or regulation is in doubt, when there is dispute between the appellant and the Chief Zoning Inspector, or when the location of a zoning district boundary is in doubt.
  - b. A review of the Navajo County Planning and Zoning Commission interpretation shall be available to either party by filing a Notice of Appeal with the Clerk of the Navajo County Board of Supervisors within seven (7) days, including weekends, after the Navajo County Planning and Zoning Commission issues its interpretation. Copies of the Notice of Appeal must be sent to the other party and the Chairman of the Navajo County Planning and Zoning Commission. Within fourteen (14) days of receipt of the Notice of Appeal, including weekends, two members of the Navajo County Board of Supervisors must request of the Clerk of the Navajo County Board of Supervisors that the matter be placed on the Navajo County Board of Supervisor's agenda. If at least two (2) members of the Board of Supervisors do not request the matter be placed on the agenda, the appeal will be deemed rejected.

The Navajo County Board of Supervisors may review any interpretation by its own accord. To initiate the review, at least two (2) members of the Board of Supervisors must request the Clerk of the Navajo County

NAVAJO COUNTY, JAY TURLEY - COUNTY RECORDER BY: BOARD OF SUPERVISORS  
DATE: 03/05/1997 TIME: 08:00 PAGE #: 0020 OF 0021 FEE #: 1997 3443

Board of Supervisors to place the matter on the agenda within fourteen (14) days of the Navajo County Planning and Zoning Commission rendering its interpretation. Notice of the placement of the matter on the agenda must be sent to all parties and the Chairman of the Navajo County Planning and Zoning Commission.

Appeals and reviews shall be limited to the record of the proceedings before the Navajo County Planning and Zoning Commission. Final decisions concerning the interpretation shall be made upon motion and majority vote of the quorum. The Navajo County Board of Supervisors may:

- 1) Affirm the interpretation of the Navajo County Planning and Zoning Commission;
- 2) Reverse the interpretation of the Navajo County Planning and Zoning Commission;
- 3) Affirm in part and reverse in part the interpretation of the Navajo County Planning and Zoning Commission;

NAVAJO COUNTY, JAY TURLEY - COUNTY RECORDER BY: BOARD OF SUPERVISORS  
DATE: 03/05/1997 TIME: 08:00 PAGE #: 0021 OF 0021 FEE #: 1997 3443